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REMARKS

Claims 1-25 and 27-37 are currently pending in the patent application. Applicants note that the Examiner has objected to Claim 26. However, by the Amendment which was submitted on May 13, 2003, Applicants had canceled Claim 26. Accordingly, Applicants request withdrawal of the objection to Claim 26. Applicants also note that Claims 4, 23, and 37 have been objected to. In the Amendment which was submitted on May 13, 2003, Claims 4, 23 and 37 were all amended. Moreover, those amendments which were submitted address the very informalities to which the Examiner is currently objecting. Based on the fact that the informalities have already been removed, Applicants respectfully request withdrawal of the objections to Claims 4, 23, and 27. By this amendment, Applicants also amend Claims 29, 32-35 to appropriately depend from Claim 23; and, amend Claim 36 to recite a "method" rather than a "system".

The Examiner has rejected Claims 1, 5-10, 12, 15-34 and 37 as being anticipated by the Campanula (*sic*, Campanella) patent; Claim 2 is rejected over Campanella in view of Yoshimune; Claims 3 and 4 as unpatentable over Campanella in

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view of Ballantyne; Claims 13, 14, 35 and 36 as unpatentable over Campanella in view of Giacobelli; Claim 11 as unpatentable over Campanella in view of Barber.

The Campanella patent is directed to a satellite direct radio broadcast system which provides radio programming, uplinked to a satellite from providers and then sent downstream from the satellite to radio receivers. Campanella seeks to provide low cost radio transmissions to areas that could not otherwise receive radio signals. Campanella describes signal encoding, specifically scrambling and compression, which can be decoded at a receiver, particularly in the case of subscription radio, and rendered (i.e., displayed or aired) at the receiver. Campanella does not teach or suggest that encoded signals be provided for storage or for updating electronic data which is stored at the radio receivers.

Applicants respectfully assert that the Campanella patent does not anticipate the present invention. The present invention, as claimed in the amended independent claims 1, 12, 23, and 37 recites a system and method for updating contents of a storage location at a portable electronic device having a storage medium for storing

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electronic data and a receiver and CPU for processing received broadcast signals to obtain digital signal information for updating the stored electronic data. The Campanella patent is simply directed to broadcasting signals for audio display and does not teach or suggest the storage of electronic data, the processing of received signals to extract information for updating the stored electronic data, or the updating of the electronic data. Campanella decodes the incoming audio stream and streams it for rendering. While Campanella may use buffers in router 56 to temporarily "hold" the streamed information, there is no permanent storage location taught or illustrated (see: e.g., Fig. 4).

For a patent to anticipate another invention under 35 USC § 102(b), the patent must clearly teach each and every claimed feature of the anticipated invention. Since the Campanella patent clearly does not teach the system components (i.e., CPU and storage) as claimed or the method steps for receiving, processing and updating as claimed, it cannot be maintained that the Campanella patent anticipates each and every claim feature.

In response to the previously-presented arguments, the Examiner has cited col. 4, lines 5-6 of Campanella as

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teaching storage of compressed music. Applicants respectfully disagree. The cited lines do mention MPEG 2 layer III coding; however, there is no mention of storage or of automatic updating of stored data. Applicants believe that the examiner is using 20:20 hindsight regarding the use of MPEG encoded signals. The cited passage of the reference does not teach or suggest the storage and updating of MPEG encoded signals.

The Examiner also points to the language found at the bottom of column 2, lines 63-67 in the examiner's attempt to expand the teachings of the Campanella patent beyond that which is expressly taught (see pages 19-20 of the Office Action). In column 2, Campanella teaches that the downloaded signal can include more than simply audio content. Campanella does not, though, teach or suggest that the content of the downloaded signal then be stored and/or be used to automatically update stored data at the receiving location. Again, the examiner is extending the Campanella teachings beyond the words based on 20:20 hindsight. Applicants believe that, absent the present teachings, one would not arrive at the same interpretation of the Campanella patent teachings since Campanella does not have a

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teachings of Ballantyne would logically be combined with the teachings of Campanella.

With regard to the Giacopelli patent, which has been cited for teaching packet switching, Applicants note that the capability of packet switching combined with the teachings of Campanella would not yield the invention as claimed. Even if one modified Campanella with Giacopelli, one would not have any teaching or suggestion of providing automatic updates to stored electronic data.

Finally, with regard to the Barber patent, which has been cited for teaching pay per access system for web pages, Applicants respectfully assert that the cited patent does not teach or suggest the features which are missing from the Campanella patent. To modify Campanella with a pay per access system of Barber would result in a pay per broadcast radio system wherein incoming audio streams would be buffered in FIFO buffers before being rendered to authorized listeners. The combination system would not, however, have electronic data stored in storage locations and being automatically updated by digital streams.

Based on the foregoing amendments and remarks, Applicants respectfully request entry of the amendments,

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describes teaching an electronic book, it provides no teachings for automatically updating the contents of the electronic book using a digital stream transmitted to the book location. Furthermore, while Yoshimune has a broadcast receiver, Yoshimune describes sending the entire contents of an electronic book. Yoshimune does not, however, teach or suggest updating the contents of a stored electronic book, by broadcast means or otherwise. Therefore, it cannot be concluded that the combination of teachings obviates the invention as claimed since neither Campanella nor Yoshimune teaches the claimed automatic updating using a digital stream.

While the Ballantyne patent teaches a portable database of medical records, Ballantyne does not teach or suggest that the medical records in the database can be automatically updated using a digital stream transmitted to the entity which maintains that database. Applicants respectfully assert that the Ballantyne teachings of providing medical database information to a PDA using an inserted card would not motivate one skilled in the art to send update information to automatically update information stored at the PDA. Moreover, it is not clear how the

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permanent storage location in its receiver (see: Fig. 4) and does not teach that received data be stored or updated.

Finally, with regard to the Campanella teachings from Col. 5, line 42, which the examiner cites on page 20 of the Office Action, Applicants note that the "storage" which is mentioned is a FIFO input buffer for maintaining the incoming streams "as received" prior to readout. Clearly Campanella is not teaching or suggesting that electronic data is permanently stored for selective on-demand viewing or that stored electronic data is automatically updated with incoming stream information.

Applicants believe that the technological distinction between a buffer and a storage location is well-understood in the technology. To suggest that moving a bit stream along in a FIFO buffer is the same as using received stream information to automatically update stored data is simply untenable. Based on the foregoing arguments, and in light of the amendment language, Applicants respectfully request reconsideration of the anticipation rejections.

The Examiner has also cited additional patents in rejecting the remaining claims as unpatentable under 35 USC 103. Applicants note that while the Yoshimune patent

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reconsideration of the objections and rejections, and  
issuance of the claims.

Respectfully submitted,

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